

**DECLARATION UNDER 35 USC §371(c)(4) FOR
PCT APPLICATION FOR UNITED STATES PATENT**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: COOLING DEVICE IN A CONSTRUCTION MACHINE described and claimed in international application number PCT/JP03/11857 filed September 17, 2003.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

Japanese Patent Application No. 2002-362435 filed December 13, 2002.

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Typewritten Full Name of Sole or First Inventor:	Kouhei		FUJITA
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<i>Kouhei</i>		<i>Fujita</i>
3	Date of Signature:	<i>Sept</i>	<i>8th</i>	<i>2003</i>
		Month	Day	Year
	Residence:	Tokyo		Japan
		City	State or Province	Country
	Citizenship:	Japan		
	Post Office Address:	c/o Shin Caterpillar Mitsubishi Ltd.		
	(Insert complete mailing address, including country)	10-1, Yoga 4-chome, Setagaya-ku, Tokyo, 158-8530, Japan		

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE ☒
(Discard this page in a sole inventor application)

1 **Typewritten Full Name of Joint Inventor:** Kenichi YOKOTA
 Given Name Middle Initial Family Name
 2 **Inventor's Signature:** Kenichi
 3 **Date of Signature:** September 8th 2004
 Month Day Year
 Residence: Tokyo Japan
 City State or Province Country
 Citizenship: Japan
 Post Office Address: c/o Shin Caterpillar Mitsubishi Ltd.
 (Insert complete mailing address, including country) 10-1, Yoga 4-chome, Setagaya-ku, Tokyo, 158-8530, Japan

1 **Typewritten Full Name of Joint Inventor:** Kyoko YAMADA
 Given Name Middle Initial Family Name
 2 **Inventor's Signature:** Kyoko
 3 **Date of Signature:** September 8th 2004
 Month Day Year
 Residence: Tokyo Japan
 City State or Province Country
 Citizenship: Japan
 Post Office Address: c/o Shin Caterpillar Mitsubishi Ltd.
 (Insert complete mailing address, including country) 10-1, Yoga 4-chome, Setagaya-ku, Tokyo, 158-8530, Japan

1 **Typewritten Full Name of Joint Inventor:** Shigeru KOJIMA
 Given Name Middle Initial Family Name
 2 **Inventor's Signature:** Shigeru
 3 **Date of Signature:** September 8th 2004
 Month Day Year
 Residence: Tokyo Japan
 City State or Province Country
 Citizenship: Japan
 Post Office Address: c/o Shin Caterpillar Mitsubishi Ltd.
 (Insert complete mailing address, including country) 10-1, Yoga 4-chome, Setagaya-ku, Tokyo, 158-8530, Japan

1 **Typewritten Full Name of Joint Inventor:** Atsushi YAMAKAWA
 Given Name Middle Initial Family Name
 2 **Inventor's Signature:** Atsushi
 3 **Date of Signature:** Sept 8th 2004
 Month Day Year
 Residence: Tokyo Japan
 City State or Province Country
 Citizenship: Japan
 Post Office Address: c/o Shin Caterpillar Mitsubishi Ltd.
 (Insert complete mailing address, including country) 10-1, Yoga 4-chome, Setagaya-ku, Tokyo, 158-8530, Japan

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kouhei FUJITA et al.

Application No.: New U.S. National Stage of
PCT/JP03/011857

Filed: October 14, 2004

Docket No.: 120534

For: COOLING DEVICE IN A WORK MACHINE

**TRANSMITTAL OF POWER OF ATTORNEY AND
STATEMENT UNDER 37 CFR § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

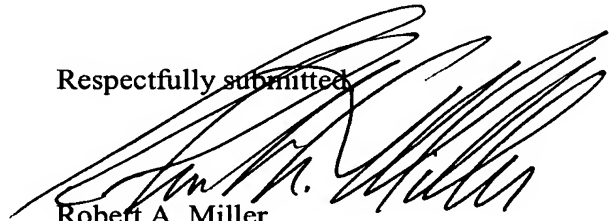
Sir:

In compliance with 37 CFR §3.73(b), the undersigned hereby states that SHIN CATERPILLAR MITSUBISHI LTD. is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached hereto.

The undersigned is authorized to act on behalf of the assignee.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD
BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE
(703) 836-6400.**

Respectfully submitted



Robert A. Miller
Registration No. 32,771

JAO:RAM/cqc

Date: October 14, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GENERAL POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Owner Name:

Shin Caterpillar Mitsubishi Ltd.
10-1, Yoga 4-chome,
Setagaya-ku, Tokyo 158-8530 Japan

hereby appoints the patent practitioners associated with Oliff & Berridge, PLC Customer No. 25944 as attorneys of record to prosecute any and all patents and patent applications in which this General Power of Attorney is filed, and all continuations and divisions thereof, owned in whole or in part by the above-named owner, and to transact all business in the Patent and Trademark Office.

The undersigned is authorized to execute this document as or on behalf of the owner.

**ALL CORRESPONDENCE SHOULD BE SENT TO OLIFF & BERRIDGE, PLC,
CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.**

September 30, 2004
Date

Hideki Yui
Signature

Typed Name: Hideki Yui

Title: Managing Director
(& Representative Director)